

SECOND REGULAR SESSION

HOUSE BILL NO. 1341

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUESTMAN (Sponsor), STEVENSON, McGHEE, EMERY,
SATER AND WILSON (130) (Co-sponsors).

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3266L.03I

AN ACT

To amend chapter 316, RSMo, by adding thereto one new section relating to swimming pools,
with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 316, RSMo, is amended by adding thereto one new section, to be
2 known as section 316.250, to read as follows:

316.250. 1. This section shall be known and may be cited as "Ethan's Law".

2 **2. Every owner of a for-profit private swimming pool or facility shall maintain**
3 **adequate insurance coverage in an amount of not less than one million dollars per**
4 **occurrence for any liability incurred in the event of injury or death of a patron to such**
5 **swimming pool or facility, including any liability incurred under paragraph (b) of**
6 **subdivision (3) of section 537.348, RSMo. Such owners shall be required to provide proof**
7 **of such insurance coverage when requested by a patron or any state or local governmental**
8 **agency responsible for the enforcement of this section.**

9 **3. As used in this section, the following terms shall mean:**

10 **(1) "Owner", the owner of the land, including but not limited to a lessee, tenant,**
11 **mortgagee in possession and the person in charge of the land on which a swimming pool**
12 **is located;**

13 **(2) "Swimming pool or facility", any for-profit privately-owned tank or body of**
14 **water which is used and maintained for swimming or bathing purposes which has a**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 maximum depth of greater than twenty-four inches. Swimming pool or facility shall
16 include, but not be limited to, a swimming pool on lands in connection with the operation
17 of any type of for-profit privately-owned amusement or recreational park. Swimming pool
18 or facility does not include a swimming pool or facility owned by a public or governmental
19 body, agency, or authority, a naturally occurring body of water or stream, or a body of
20 water established by a person or persons and used for watering livestock, irrigation, or
21 storm water management.

22 4. Any owner who violates the provisions of this section shall be subject to a fine
23 of one hundred dollars per day or one day of confinement in jail, or both, for each day of
24 the violation. For purposes of this section, "each day of the violation" means each day that
25 the swimming pool is operational and open for business and remains in violation of this
26 section. It shall not include days that the swimming pool is not operational and open for
27 business.

✓